

Jun 28, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RUSSELL DUANE MCNEIL,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

No. 2:13-cv-03065-SAB

**ORDER ADOPTING REPORT  
AND RECOMMENDATION TO  
DISMISS PETITION WITHOUT  
PREJUDICE**

Before the Court is Magistrate Judge John T. Rodgers' Report and Recommendation to Dismiss Petition Without Prejudice, ECF No. 34. Pending before Magistrate Judge Rodgers was the parties' Joint Motion to Dismiss Without Prejudice, ECF No. 33. The parties asked the Court to dismiss Petitioner's 28 U.S.C § 2254 petition in light of the recently enacted state statutory procedure for resentencing prisoners, like Petitioner, who are serving life without parole sentences for an offense committed while under the age of 18. Petitioner is scheduled to be resentenced pursuant to the new procedures. Good cause exists to grant the parties' joint motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** Magistrate Judge Rodgers' Report and Recommendation to Dismiss Without Prejudice, ECF No. 34, in its entirety.

2. The parties' Joint Motion to Dismiss Without Prejudice, ECF No. 33, is **ORDER ADOPTING REPORT AND RECOMMENDATION ~ 1**

1 **GRANTED.**

2 3. Petitioner's 28 U.S.C. § 2254 Petition, ECF No. 1, is **DISMISSED**,  
3 **without prejudice.**

4 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
5 **ENTER** this Order, **FORWARD** a copy counsel, and **CLOSE** the file.

6 **DATED** this 28th day of June 2019.



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14 Stanley A. Bastian  
15 United States District Judge  
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